

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

December 17, 2003

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer Tom Harter
C.I. File No. 02-S-295; ELO No. 1802

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Tom Harter. The claim is in the amount of \$1,029.75 including \$6.75 in disbursements for 9.30 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the Police Officer on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

2276

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
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G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 29, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

**RE: MPD Criminal Investigation of PO Tom Harter
Allegations Regarding Ms. April Booker
Date of Incident: April 27, 2002
Location of Incident: PPS
EC No.: 1802**

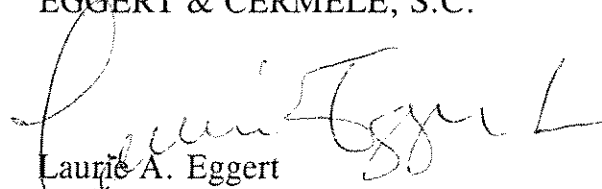
Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved the arrest and booking of a suspect. Charges will not be issued against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

JC/lcl
HARTER

12/16/03
C.R.
JAS
Letter 2276

EGGERT & CERMELE, S.C.*Attorneys at Law*Laurie A. Eggert
Jonathan Cermele1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 29, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202RE: MPD Criminal Investigation re: Ms. April Booker
Regarding: PO Tom Harter
Date of Incident: April 27, 2002
Location of Incident: PPS

Professional services

	<u>Hours</u>
04/30/02 Telephone call from PO Harter regarding new criminal investigation; open file; memo to file; telephone call to and from IAD; memo to file; telephone call to witnesses; memos to file.	1.40
05/06/02 Telephone call to and from client; receive and review police reports; telephone call to and from IAD.	0.50
05/07/02 Review of file; meeting with PO Harter at IAD; attend PO Harter's PI-21 statement; travel; memo to file; telephone call from IAD; telephone call to and from DDA Reddin; telephone call to and from PO Harter.	2.50
05/08/02 Telephone call from DDA Reddin; telephone call to and from client.	0.50
05/09/02 Review of file.	0.10
05/10/02 Telephone call to and from client; telephone call to and from DDA Reddin's office.	0.40

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
05/15/02 Telephone call to DA; telephone call to client.	0.40	
05/16/02 Review of file; telephone call to and from DA meeting with client at DA's office; attend client's statement to DA; travel.	2.50	
05/17/02 Telephone call from DA; correspondence to client; correspondence to MPD Open Records.	0.50	
08/09/02 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	9.30	\$1,023.00
Additional charges:		
08/09/02 MPD Open Records request		6.75
Total costs		<u>\$6.75</u>
Total amount of this bill		<u>\$1,029.75</u>
Balance due		<u><u>\$1,029.75</u></u>

(Rate: \$110.00 per hour)

COPY

INCIDENT # 02-119-3048

INCIDENT INFORMATION

INCIDENT BATTERY SS#940.19(1)

DATE OF INCIDENT 04-27-02

DATE OF REPORT 05-23-02

REP CON#

VICTIM BOOKER, APRIL S.

LOCATION OF INCIDENT (ADDRESS) 749 WEST STATE STREET

DIST. 1

VICTIM'S ADDRESS 1962 WEST HAMPTON AVENUE

REPORTED BY SAME

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #1" COLUMN---

01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06-CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-FURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWED OFF	<input type="checkbox"/> SINGLE BBL
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> UNKNOWN

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="radio"/> HISPANIC <input type="radio"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
-------	---

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
RESIDENT OF COUNTY Y N O O	GANG RELATED Y N O O DRUG RELATED O O	LOCATION OF ARREST
DATE/TIME OF ARREST	TYPE <input type="radio"/> ORDERED IN/CITED <input type="radio"/> W/WARR/SUSP CARD <input type="radio"/> ALL OTHER ARRESTS	POSSESSED SUSPECTED Y N OF ARREST O O

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="radio"/> HISPANIC <input type="radio"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
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I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
RESIDENT OF COUNTY Y N O O	GANG RELATED Y N O O DRUG RELATED O O	LOCATION OF ARREST
DATE/TIME OF ARREST	TYPE <input type="radio"/> ORDERED IN/CITED <input type="radio"/> W/WARR/SUSP CARD <input type="radio"/> ALL OTHER ARRESTS	POSSESSED SUSPECTED Y N OF ARREST O O

V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER DET. JEFFERY HOOVER	PAYROLL # 50062	LOC # 04	ASSISTING OFFICER	SUPERVISOR J. L. HOOVER	TOTAL ARRESTS 0
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CLEARANCE REPORT
PAGE 2

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On May 23, 2002, at approximately 9:00 A.M., I, Detective Jeffery HOOVER appeared in the District Attorney's Office for a charging conference pertaining to this incident. Also present were Police officer Thomas HARTER and his attorney John CERMELE. Deputy District Attorney Jon REDDIN reviewed this particular case and he was assisted by his investigator, identified as Joseph LINK.

Deputy District Attorney Jon REDDIN informed me that he had completed his interview of Thomas HARTER, and he requested to view the surveillance tape pertaining to the incident that occurred in the jail booking area. I in fact produced the videotape, at which time we all viewed the information on the tape. After viewing the tape, Deputy District Attorney Jon REDDIN decided not to issue any criminal charges. He based his decision on the fact that the victim gave two conflicting statements. First the victim told Detective HOOVER that when she entered the elevator, the officer kned her in the stomach, struck her in the head, and mouth, causing a bloody lip. Secondly she later told Detective Timothy ZENS when she got on the elevator she was pushed into the corner face first, and cut the inside of her upper lip.

H:tlb
CLEARANCE 02-106

INTERVIEWING D.A. Deputy District Attorney Jon REDDIN	P.O./DET. ASSIGNED Jeffery HOOVER	COURT CASE NUMBER
FINAL CHARGE NO PROCESS	DISPOSITION/DATE 05-23-02	VICTIM NOTIFIED BY DETECTIVE Jeffery HOOVER
INCIDENT STATUS <input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input checked="" type="radio"/> WARRANT REFUSED	<input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<input type="radio"/> A. SUSP ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 26, 2002

TO: P.O. TOM HARTER
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on APRIL 27, 2002
- 2) A citizen's complaint made by APRIL BOOKER
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: PO Thomas Harter

Print your name: PO Thomas Harter

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 SEP 30 PM 3:11
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

CITY OF MILWAUKEE

Form CA-43

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City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

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Assistant City Attorneys

September 13, 2002

Commander Steven Settingsgaard
Milwaukee Police Dept., Internal Affairs Div.
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 02-S-295
Communication from EGGERT & CERMELE, S.C.

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officer verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

02 SEP 25 PM 1:39
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION